

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PEDRO CRUZ,)	No. C 12-1617 LHK (PR)
)	
Petitioner,)	ORDER DENYING MOTION FOR
)	EXTENSION OF TIME TO FILE
v.)	
)	
WARDEN G.D. LEWIS,)	
)	
Respondent.)	(Docket No. 9.)
)	

Petitioner, a state prisoner proceeding *pro se*, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has filed a motion an extension of time to file a “reply” to Respondent’s answer to his petition for writ of habeas corpus. On October 1, 2012, Petitioner filed a timely “reply”. *See Houston v. Lack*, 487 U.S. 266, 275-76 (1988) (concluding that the date upon which a *pro se* prisoner hands over his notice of appeal to prison authorities is the date of filing); *Faile v. Upjohn Co.*, 988 F.2d 985, 988 (9th Cir. 1993) (applying the “mailbox rule” to other civil filing deadlines), overruled on other grounds by *McDowell v. Calderon*, 197 F.3d 1253 (9th Cir. 1999). The Court construes Petitioner’s “reply” as a traverse. Petitioner’s request for an extension of time is **DENIED** as unnecessary.

This order terminates docket number 9.

IT IS SO ORDERED.

DATED: 10/24/12


LUCY H. KOH
United States District Judge